



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/244,291	02/03/1999	STEPHEN LEWALLEN	ST9-98-083	3591

21127 7590 08/25/2005

KUDIRKA & JOBSE, LLP  
ONE STATE STREET  
SUITE 800  
BOSTON, MA 02109

EXAMINER

HO, ANDY

ART UNIT	PAPER NUMBER
----------	--------------

2194

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/244,291

Applicant(s)

LEWALLEN, STEPHEN

Examiner

Andy Ho

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

20

### **DETAILED ACTION**

1. In view of the appeal brief filed on 10/5/2004, PROSECUTION IS HEREBY REOPENED. Responsive to Applicant's arguments, new grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Claims 1-36 have been examined and are pending in the application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atkinson U.S Patent No. 6,263,379 in view of Ohler U.S Patent No. 5,212,790.

**As to claim 1**, Atkinson discloses an apparatus having a memory (memory, line 42 column 14), an existing directory service (user's home directory, line 34 column 27); a moniker object (a moniker, line 57 column 10) contains an identifier (an identifier object, line 57 column 10) that universally identifies (identify, line 58 column 10) an instance of the distributed object (the linked data, line 58 column 10) and a moniker name (path name, line 64 column 11). However, Atkinson does not explicitly teach substituting the moniker object for the distributed object.

Ohler discloses (lines 8-40 column 2) a system of distributed programming wherein a phantom object, which is stored locally, is being substituted for a distributed object during the streaming of the distributed object so the phantom object is stored in the local storage in place of the distributed object. It would have been obvious to apply the teachings of Ohler to the system of Atkinson because this allows a process to make distributed call locally as disclosed by Ohler (lines 8-40 column 2).

**As to claim 2**, Ohler further discloses the first stream object substitutes the moniker object for the distributed object when the distributed object is persisted (lines 8-40 column 2). Note the discussion of claim 1 above for the reason of combining references.

**As to claim 3**, Atkinson as modified further teaches a second stream object (IPersistStream, line 37 column 14) automatically substitutes a reference to the distributed object for the moniker object (lines 38-65 column 14) during the streaming of

the moniker object (a moniker, line 41 column 14) in from the local storage (from the persistent storage, line 42 column 14) to the memory (loaded into memory, line 42 column 14) so the reference is created in memory in placed of the moniker object.

**As to claim 4**, Atkinson as modified further teaches the second stream object substitutes the moniker object for the distributed object when the distributed object is resurrected (lines 66 column 14 to line 21 column 15).

**As to claim 5**, Atkinson as modified further teaches life cycle services are provided by associating with the moniker object a predefined policy specifies how and when life cycle services are performed (CODE TABLE 4A, column 22).

**As to claim 6**, Atkinson as modified further teaches a life cycle services object (CreateGenericComposite, line 37 column 22) responds to the predefined policy by controlling the life cycle of the distributed object.

**As to claim 7**, Atkinson as modified further teaches a runtime repository includes a database (link 602, line 15 column 14) of moniker name-object reference pairs (CLSID\_FileMoniker, and Q3.CHT, lines 17-18 column 14).

**As to claim 8**, Atkinson as modified further teaches a directory service factory object responds to the moniker name (invokes the function CreateInstance, lines 34-35 column 14) by instantiating a directory service adapter object (to create an instance of an object of class CFileMoniker, lines 35-36 column 14) for applying the moniker name to the existing directory service when the runtime repository does not contain the moniker name (lines 36-47 column 14).

**As to claim 9**, Atkinson as modified further teaches the distributed object is instantiated (it first instantiates a moniker object, lines 19-20 column 14) in accordance with an object model (of type CLSID\_FileMoniker, lines 20-21 column 14); an object model adapter processes (requests the moniker to load its persistent data... lines 21-23 column 14) distributed objects.

**As to claim 10**, Atkinson as modified further teaches the object model adapter returns a reference to the distributed object together with a moniker object (requests the moniker to bind to the file indicated by the loaded data, lines 22-23 column 14) associated with the distributed object.

**As to claims 11-20**, they are method claims of claims 1-10, respectively. Therefore, they are rejected for the same reasons as claims 1-10 above.

**As to claims 21-30**, they are computer program product claims of claims 1-10, respectively. Therefore, they are rejected for the same reasons as claims 1-10 above.

**As to claims 31-32**, Ohler further teaches storing the distributed object in a persistent repository different and located remotely from the local storage (the defined object is located in a different memory location, lines 15-17 column 2).

**As to claims 33-34**, they are method claims of claims 31-32, respectively. Therefore, they are rejected for the same reasons as claims 31-32 above.

**As to claims 35-36**, they are computer program product claims of claims 31-32, respectively. Therefore, they are rejected for the same reasons as claims 31-32 above.

### ***Response to Arguments***

4. Applicant's arguments filed 10/5/2004 have been fully considered but are moot in view of the new ground(s) rejection.

Applicant's arguments presented issues which required the Examiner to further view the previous rejection. The Examiner conducted a further search regarding the issues mentioned in Applicant's response. Therefore, all arguments regarding the cited references of the previous rejection are moot in view of the new grounds of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIM) system. Status information for published applications may be obtained from either Private PAIR or' Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 2194

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Any response to this action should be mailed to:

Commissioner for Patents


P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (571) 273 - 8300.
- OFFICAL faxes must be signed and sent to (571) 273 - 8300.
- NON OFFICAL faxes should not be signed, please send to (571) 273 - 3762

A.H  
August 19, 2005

  
MENG-AL T. AN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER